

WEDNESDAY, APRIL 4, 1990

EIGHTY-SIXTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Speaker pro tempore Scruggs.

The proceedings were opened with prayer by Rev. Mark Douglas, Central Baptist Church, Kingston, Tennessee.

Representative Jim Henry led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 93

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kiaber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

The Speaker announced that Representative Robinson (Washington) was excused because of out-of-state business.

REPORTS FROM STANDING COMMITTEES

REPORT OF COMMITTEE ON CALENDAR AND RULES
April 3, 1990

MR. SPEAKER: Your Calendar and Rules Committee begs leave to report that we have met and set the following bills on the Regular

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Calendar for Wednesday, April 4, 1990: House Bill(s) No(s). 1703, 1720, 2465, 1948, 2560, 2093, 2308, 2587, 1906 and 2442.

We have also set the following bills on the **Regular Calendar** for **Thursday, April 5, 1990:** House Bill(s) No(s). 2209, 2107, 904, 713, 2300 and 2289; Senate Joint Resolution(s) No(s). 270, 132 and 105; also, House Bill(s) No(s). 2401, 1864, 2342, 1871 and 2631.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 9, 1990:** House Bill(s) No(s). 2608, 2653, 820, 2471, 1330, 2639 and 2635; Senate Bill(s) No(s). 1084; also, Senate Joint Resolution(s) No(s). 457.

Pursuant to **Rule No. 72**, House Bill(s) No(s). 2339 and 2441 was/were referred to the Finance, Ways and Means Committee.

PHILLIPS, Chairman.

COMMERCE COMMITTEE
April 3, 1990

MR. SPEAKER: Your Commerce Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 1728 (with amendment), 2149, 2651, 2654 and 1966; for concurrence: Senate Joint Resolution(s) No(s). 421.

We further recommend that, pursuant to **Rule No. 72**, House Bill(s) No(s). 1796 (with amendment), 1939 (with amendment) and 2424 (with amendment) be referred to the Finance, Ways and Means Committee.

RHINEHART, Chairman.

Under the rules, House Bill(s) No(s). 1728 (with amendment), 2149, 2651, 2654 and 1966; also, Senate Joint Resolution(s) No(s). 421 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 1796 (with amendment), 1939 (with amendment) and 2424 (with amendment) to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS COMMITTEE
April 3, 1990

MR. SPEAKER: Your Finance, Ways and Means Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 120 (with amendment), 169, 1274, 1570 (with amendment), 1643, 1754 (with amendment), 1845, 1943, 2007 (with amendment), 2088 (with amendment), 2230 (with amendment), 2250, 2360 (with amendment), 2387 (with amendment), 2478 (with

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amendment), 2479, 2506 (with amendment) and 2598; for adoption: House Joint Resolution(s) No(s). 734.

BRAGG, Chairman.

Under the rules, House Bill(s) No(s). 120 (with amendment), 169, 1274, 1570 (with amendment), 1643, 1754 (with amendment), 1845, 1943, 2007 (with amendment), 2088 (with amendment), 2230 (with amendment), 2250, 2360 (with amendment), 2387 (with amendment), 2478 (with amendment), 2479, 2506 (with amendment) and 2598; also, House Joint Resolution(s) No(s). 734 was/were transmitted to the Calendar and Rules Committee.

JUDICIARY COMMITTEE

April 3, 1990

MR. SPEAKER: Your Judiciary Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 121 (with amendment), 1572 (with amendment), 1805, 1832 (with amendment), 2282 (with amendment), 2368 (with amendment), 2534 (with amendment) and 2656; for adoption: House Resolution(s) No(s). 99; also House Joint Resolution(s) No(s). 595 and 724.

We further recommend that, pursuant to Rule No. 72, House Bill(s) No(s). 2661 be referred to the Finance, Ways and Means Committee.

BUCK, Chairman.

Under the rules, House Bill(s) No(s). 121 (with amendment), 1572 (with amendment), 1805, 1832 (with amendment), 2282 (with amendment), 2368 (with amendment), 2534 (with amendment) and 2656; House Resolution(s) No(s). 99; also, House Joint Resolution(s) No(s). 595 and 724 was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72, the Speaker referred House Bill(s) No(s). 2661 to the Finance, Ways and Means Committee.

TRANSPORTATION COMMITTEE

April 3, 1990

MR. SPEAKER: Your Transportation Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 2622 and 2658 (with amendment); for adoption: House Joint Resolution(s) No(s). 759 and 766.

ROBB ROBINSON, Chairman.

Under the rules, House Bill(s) No(s). 2622 and 2658 (with amendment); also, House Joint Resolution(s) No(s). 759 and 766; was/were transmitted to the Calendar and Rules Committee.

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MESSAGE FROM THE SENATE

April 3, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 574; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0574 -- Memorials, Recognition -- Honors Lon Varnell.

MESSAGE FROM THE SENATE

April 3, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2343 and 2430; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 2343 -- Teachers -- Allows year of probationary service to be included in consideration for tenure. Amends TCA 49-5-5606.

*Senate Bill No. 2430 -- Historical Sites -- Revises certain provisions governing the operation of the Hermitage. Amends TCA, Title 4, Chs. 11, 13, 15, 29.

MESSAGE FROM THE SENATE

April 3, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1813, 1927, 2053, 2061, 2145, 2344, 2437, 2506 and 2543; also, Senate Joint Resolution(s) No(s). 556, 557 and 571; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 3, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1604, 1802, 1803, 1975, 2227, 2345, 2428, 2509, 2513, 2615, 2629, 2633, 2642, 2643, 2647, 2648 and 2650; also, House Joint Resolution(s) No(s). 514, 596, 597, 692, 718, 719, 720, 721, 722, 723, 725, 745, 746, 747, 749, 750, 751, 752, 753, 754, 755, 756 and 784; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

April 3, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1130 and 2457; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENROSSING CLERK

April 3, 1990

MR. SPEAKER: Your Chief Enrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 1604, 1802, 1803, 1975, 2227, 2345, 2428, 2509, 2513, 2615, 2629, 2633, 2642, 2643, 2647, 2648 and 2650; also, House Joint Resolution(s) No(s). 514, 596, 597, 692, 718, 719, 720, 721, 722, 723, 725, 745, 746, 747, 749, 750, 751, 752, 753, 754, 755, 756 and 784; for his action.

BETTY KAY FRANCIS,
Chief Enrossing Clerk.

ENROLLED BILLS

April 3, 1990

MR. SPEAKER: Your Chief Enrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 1798 and 2436; House Resolution(s) No(s). 108, 121 and 123; also, House Joint Resolution(s) No(s). 527, 620, 678, 681, 695, 758, 760, 761, 762, 763 and 764; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Enrossing Clerk.

SIGNED

April 3, 1990

The Speaker announced that he had signed the following: House Bill(s) No(s). 1798 and 2436; House Joint Resolution(s) No(s). 527, 620, 678, 681, 695, 758, 760, 761, 762, 763 and 764; also, House Resolution(s) No(s). 108, 121 and 123.

BETTY KAY FRANCIS,
Chief Enrossing Clerk.

SIGNED

April 3, 1990

The Speaker announced that he had signed the following: Senate

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Bill(s) No(s). 1130, 1813, 1927, 2053, 2061, 2145, 2344, 2437, 2457, 2506 and 2543; also, Senate Joint Resolution(s) No(s). 556, 557 and 571.

MESSAGE FROM THE SENATE

April 3, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 769, 772, 773, 774, 775, 776, 777 and 796; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 3, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2084 and 2515; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 3, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 573, 578 and 579; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0573 -- Memorials, Interns --
Commends Shawn Gregory Demers, 1990 page.

Senate Joint Resolution No. 0578 -- Memorials, Congratulations
-- Honors 1989 State Championship 4-H Forestry Team from Carter County.

Senate Joint Resolution No. 0579 -- Memorials, Recognition --
Recognizes Morristown High School Class of 1940 on 50th reunion.

MESSAGE FROM THE SENATE

April 3, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2458, 2562, 2569, 2624, 2626, 2632 and 2653; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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Senate Bill No. 2458 -- Dieticians and Nutritionists -- Requires nursing homes to employ certain trained dietetic personnel. Amends TCA, Title 68, Ch. 11.

Senate Bill No. 2562 -- Charitable Solicitations -- Includes among charitable solicitations certain vending machine sales. Amends TCA, Title 48, Ch. 3.

Senate Bill No. 2569 -- Mental Illness -- Creates position of liaison coordinator for supportive living facilities. Amends TCA, Title 33.

Senate Bill No. 2624 -- Hamilton County -- Allows certain employees to transfer to TCRS. Amends Chapter 557, Private Acts of 1939, as amended.

Senate Bill No. 2626 -- Day Care -- Permits Davidson County day care pilot program to serve less than 100 children. Amends Chapter 877, Public Acts of 1986.

Senate Bill No. 2632 -- Utilities, Utility Districts -- Redefines "customers" for purposes of electing water utility district commissioners in Scott County. Amends TCA, Title 7, Ch. 8, Pt. 3.

***Senate Bill No. 2653 -- Highway Signs -- Designates certain highways in Gibson County as Blue Star Memorial Highway. Amends TCA, Title 54, Ch. 5, Pt. 10.**

MESSAGE FROM THE SENATE

April 3, 1990

MR. SPEAKER: I am directed to return to the House, House Bill No. 1131.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk

MESSAGE FROM THE SENATE

April 3, 1989

MR. SPEAKER: I am directed to return to the House, House Bill No. 2510.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 4; divided the question on Amendment No. 4, withdrew Division No. 1, adopted Division No. 2, then repassed the bill on third and final

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consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 3, 1990

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 2528.

The Senate concurred in House Amendment(s) No(s). 1, and nonconcurred in House Amendment(s) No(s). 2.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 3, 1990

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1011.

The Senate concurred in House Amendment(s) No(s). 1 and 2, and nonconcurred in House Amendment(s) No(s). 3.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 3, 1990

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1841.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1, withdrew Amendment No. 1, adopted Amendment No. 2, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 3, 1990

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 957.

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The Senate nonconcurred in House Amendment(s) No(s). 1 and 2.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 3, 1990

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 2423.

The Senate nonconcurred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORTS FROM STANDING COMMITTEES

REPORT OF COMMITTEE ON CALENDAR AND RULES
April 4, 1990

MR. SPEAKER: Your Calendar and Rules Committee begs leave to report that we have met and set the following bills on the Regular Calendar for Thursday, April 5, 1990: House Bill(s) No(s). 46, 48, 1661, 1751, 2135, 2142, 2340 and 607; also, Senate Joint Resolution(s) No(s). 262.

We have also set the following bills on the Regular Calendar for Monday, April 9, 1990: House Bill(s) No(s). 1808, 926 and 2398; House Joint Resolution(s) No(s). 599; Senate Joint Resolution(s) No(s). 526; also, House Bill(s) No(s). 2593.

We further report that we have met and set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, April 9, 1990: House Bill(s) No(s). 2302, 2216, 2572 and 2603; House Joint Resolution(s) No(s). 770; House Bill(s) No(s). 2628; also, House Joint Resolution(s) No(s). 743, 744, 665 and 783.

PHILLIPS, Chairman.

LABOR AND CONSUMER AFFAIRS COMMITTEE
April 4, 1990

MR. SPEAKER: Your Labor and Consumer Affairs Committee begs leave to report that we have carefully considered and recommend for adoption: House Joint Resolution(s) No(s). 731.

CHRIS TURNER, Chairman.

Under the rules, House Joint Resolution(s) No(s). 731 was/were transmitted to the Calendar and Rules Committee.

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GENERAL WELFARE COMMITTEE

April 4, 1990

MR. SPEAKER: Your General Welfare Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 1322 (with amendment), 1688 (with amendment), 1993 (with amendment), 2003 (with amendment), 2021, 2030 (with amendment), 2071, 2072, 2121 (with amendment), 2248 (with amendment), 2267 (with amendment), 2270 (with amendment), 2444 (with amendment), 2449 (with amendment) and 2531 (with amendment); for adoption: House Joint Resolution(s) No(s). 729, 732, 735 and 740; for concurrence: Senate Joint Resolution(s) No(s). 440.

We further recommend that, pursuant to Rule No. 72, House Bill(s) No(s). 2024 (with amendment) be referred to the Finance, Ways and Means Committee.

STARNES, Chairman.

Under the rules, House Bill(s) No(s). 1322 (with amendment), 1688 (with amendment), 1993 (with amendment), 2003 (with amendment), 2021, 2030 (with amendment), 2071, 2072, 2121 (with amendment), 2248 (with amendment), 2267 (with amendment), 2270 (with amendment), 2444 (with amendment), 2449 (with amendment) and 2531 (with amendment); House Joint Resolution(s) No(s). 729, 732, 735 and 740; Senate Joint Resolution(s) No(s). 440; was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72, the Speaker referred House Bill(s) No(s). 2024 (with amendment) to the Finance, Ways and Means Committee.

ENROLLED BILLS

April 4, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 2084 and 2515; also, House Joint Resolution(s) No(s). 769, 772, 773, 774, 775, 776, 777 and 796; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

COMMUNICATIONS

TO: Larry Cole
House Chief Clerk
FROM: David Coffey
State Representative

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DATE: April 3, 1990
RE: Vote on HB 1235

Please correct your records to show my vote of "aye" on House Bill 1235. I was in the well with Representative Rob [sic] Robinson and Representative Chris Turner in support of the bill, and not at my desk to vote.

Thank you.

COMMUNICATIONS
April 3, 1990

Honorable Ed Murray
Speaker, House of Representatives
State of Tennessee
Suite 19, Legislative Plaza
Nashville, TN 37243-0139

Dear Speaker Murray:

I would like these remarks to be entered into the Journal.

Let the record show that on April 2, 1990, at the time that the House voted on HB 1798/SB 2013 I was absent from the Chamber conducting necessary business to draft a Private Act concerning the Gibson County Gas Utility District at the request of the Gibson County Commissioners. The record shows that it was necessary for me to request suspension of the rules in order to introduce this Private Act. Inasmuch as I was recorded as voting "Yes" while not present, it appears that someone else must have voted electronically for me. Had I been present, I would not have voted for this Act.

Sincerely,
/s/Ray Davis

REGULAR CALENDAR

House Bill No. 1584 -- Inheritance Laws -- Revises law on distribution of estate of intestate child. Amends TCA 31-2-104.

Further consideration of House Bill No. 1584, previously considered on March 7, 1990, at which time it was reset to the Calendar for April 4, 1990.

Rep. Bivens moved that House Bill No. 1584 be reset to the Calendar for Wednesday, April 11, 1990, which motion prevailed.

House Bill No. 2392 -- Municipal Government -- Authorizes municipalities to use moneys in the general fund for certain purposes. Amends TCA, Titles 6, 7.

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Further consideration of House Bill No. 2392, previously considered on March 21, 1990, at which time it was reset to the Calendar for April 4, 1990.

On motion of Rep. Collier, House Bill No. 2392 was withdrawn from the House.

House Bill No. 2402 -- Historical Sites -- Revises certain provisions governing the operation of the Hermitage. Amends TCA, Title 4, Chs. 11, 13, 15, 29.

Further consideration of House Bill No. 2402, previously considered on March 28, 1990, at which time it was reset to the Calendar for April 4, 1990.

On motion, House Bill No. 2402 was made to conform with Senate Bill No. 2430.

On motion, Senate Bill No. 2430, on same subject, was substituted for House Bill No. 2402.

Rep. West moved that Senate Bill No. 2430 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. West moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. West moved that Senate Bill No. 2430 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

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House Bill No. 1941 -- County Officers -- Establishes Tennessee Peace Officers' Hall of Fame Board. Amends TCA, Title 4.

Further consideration of House Bill No. 1941, previously considered on March 26 and 28, 1990, at which time it was reset to the Calendar for April 4, 1990.

On motion, House Bill No. 1941 was made to conform with Senate Bill No. 1866.

On motion, **Senate Bill No. 1866**, on same subject, was substituted for House Bill No. 1941.

Rep. Cain moved that **Senate Bill No. 1866** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 2 as follows:

Amendment No. 1

Amend Senate Bill No. 1866 by adding the following language as a new, appropriately designated section immediately preceding the effective date section, and by renumbering the effective date section accordingly:

SECTION ____. The Tennessee Peace Officers' Hall of Fame shall be located at the Jerry F. Agee Tennessee Law Enforcement Training Academy in Donelson, Tennessee.

On motion, Amendment No. 1 was adopted.

Rep. Cain moved that **Senate Bill No. 1866** be passed on third and final consideration.

Rep. Burnett moved the previous question, which motion prevailed.

Thereupon, Rep. Cain moved that **Senate Bill No. 1866**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey,

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Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

Representatives voting no were: Bragg -- 1.

A motion to reconsider was tabled.

PRESENT IN CHAMBER

Representative Robinson (Davidson) was recorded as being present in the Chamber at 2:33 p.m.

REGULAR CALENDAR, CONTINUED

House Bill No. 2407 -- Highway Signs -- Makes owner of a non-complying sign liable for certain damages and costs. Amends TCA 54-21-105.

Further consideration of House Bill No. 2407, previously considered on March 21 and 28, 1990, at which time it was reset to the Calendar for April 4, 1990.

On motion, House Bill No. 2407 was made to conform with Senate Bill No. 1942.

On motion, Senate Bill No. 1942, on same subject, was substituted for House Bill No. 2407.

Rep. Bivens moved that Senate Bill No. 1942 be passed on third and final consideration.

On motion, Rep. Yelton withdrew Transportation Committee Amendment No. 1.

Rep. Bivens moved that Senate Bill No. 1942 be reset to the Calendar for Wednesday, April 11, 1990, which motion prevailed.

House Bill No. 2158 -- Taxes, Sales -- Limits exemption for sales and use tax exemption on motor vehicles purchased by nonresident military personnel under certain circumstances. Amends TCA 67-6-303.

Rep. Ussery moved that House Bill No. 2158 be reset to the Calendar for Monday, April 9, 1990, which motion prevailed.

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***House Joint Resolution No. 0690 -- General Assembly, Studies --** Requests Education Oversight Committee to study problems relative to reaching mutually acceptable negotiated agreements.

Rep. Davidson moved that House Joint Resolution No. 690 be adopted, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

House Joint Resolution No. 0654 -- Memorials, Government Officials -- Urges Department of Education to develop earthquake procedures for grades K-12.

Rep. Crain moved that House Joint Resolution No. 654 be adopted, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

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A motion to reconsider was tabled.

***House Joint Resolution No. 0685 -- Memorials, Government Officials -- Requests state board of education to study giving oral exams for dyslexic students.**

Rep. Davidson moved that House Joint Resolution No. 685 be adopted, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 2226 -- Highways, Roads and Bridges -- Requires "rumble stripes" on certain highway crossings. Amends TCA, Title 65, Ch. 11.

Further consideration of House Bill No. 2226, previously considered on March 29, 1990, at which time it was reset to the Calendar for April 4, 1990.

Rep. Whitson moved that House Bill No. 2226 be passed on third and final consideration.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2226 by deleting Section 1, and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 11, is amended by adding a new section thereto, as follows:

Section 65-11-1____.(a) The Tennessee department of transportation shall install warning strips on both approaches of any highway crossing on the system of state highways not protected by automatic warning or protective devices unless the surface of such approaches is gravel or chip and seal paving.

On motion, Amendment No. 1 was adopted.

Rep. Yelton moved adoption of Transportation Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 2226 by deleting the words "shall install" in the amendatory language of Section 1, as amended, and by substituting instead the words "may install".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Whitson moved that House Bill No. 2226, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

*House Bill No. 2518 -- Charitable Solicitations -- Includes among charitable solicitations certain vending machine sales. Amends TCA, Title 48, Ch. 3.

Further consideration of House Bill No. 2518, previously considered on March 22 and 29, 1990, at which time it was reset to the Calendar for April 4, 1990.

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On motion, House Bill No. 2518 was made to conform with Senate Bill No. 2562.

On motion, Senate Bill No. 2562, on same subject, was substituted for House Bill No. 2518.

Rep. Davis (Gibson) moved that Senate Bill No. 2562 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Davis (Gibson) moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, Rep. Davis (Gibson) moved that Senate Bill No. 2562 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Davis (Gibson) moved that Senate Bill No. 2562 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	4
Present and not voting.	2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Cole, Collier, Grain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Nalfeh, Napier, Niceley, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

Representatives voting no were: Gaia, Henry (Roane), Peroulas, Stamps -- 4.

Representatives present and not voting were: Clark, Coffey -- 2.

A motion to reconsider was tabled.

WEDNESDAY, APRIL 4, 1990 -- EIGHTY-SIXTH LEGISLATIVE DAY

*House Bill No. 2129 -- Historical Sites -- Revises law on discovery, excavation, and disposition of certain remains. Amends TCA, Title 11, Ch. 6.

Further consideration of House Bill No. 2129, previously considered on March 29, 1990, at which time it was reset to the Calendar for April 4, 1990.

On motion, House Bill No. 2129 was made to conform with Senate Bill No. 2350.

On motion, Senate Bill No. 2350, on same subject, was substituted for House Bill No. 2129.

Rep. Odom moved that Senate Bill No. 2350 be passed on third and final consideration.

On motion, Rep. Hillis withdrew Conservation and Environment Committee Amendment No. 1.

Thereupon, Rep. Odom moved that Senate Bill No. 2350 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunter, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kieber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

*Senate Bill No. 2096 -- Public Service Commission -- Authorizes enforcement officers to arrest for violations of the Drug Control Act; revises penalties. Amends TCA 65-15-106, 122.

Further consideration of Senate Bill No. 2096, previously considered on April 2, 1990, at which time it was substituted for House Bill No. 2320 and reset to the Calendar for April 4, 1990.

Rep. Ussery moved that Senate Bill No. 2096 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

Representatives voting no were: Chiles, Copeland -- 2.

A motion to reconsider was tabled.

House Bill No. 2311 -- Mines, Mining -- Changes certain regulatory provisions pertaining to strip and open pit mines and mining. Amends TCA, Title 59.

Further consideration of House Bill No. 2311, previously considered on April 2, 1990, at which time it was reset to the Calendar for April 4, 1990.

On motion, House Bill No. 2311 was made to conform with Senate Bill No. 2393.

On motion, Senate Bill No. 2393, on same subject, was substituted for House Bill No. 2311.

Rep. Herron moved that Senate Bill No. 2393 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb,

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Holt, Hubbard, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

Representatives voting no were: Davis (Cocke), Huskey -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to yes on Senate Bill No. 2393 and have this statement entered in the Journal.

Rep. Philip Pinion

REGULAR CALENDAR, CONTINUED

House Bill No. 1703 -- Judges and Chancellors -- Enacts "Senior Judge Enabling Act of 1990".

Rep. Naifeh moved that House Bill No. 1703 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Council on Pensions and Insurance Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1703 by inserting in subsection (b)(1) of SECTION 2 the word "with" after the word "interfere" and before the words "the performance";

AND FURTHER AMEND by deleting subsection (a) of SECTION 3 in its entirety and by substituting instead the following new subsection (a):

(a) The Supreme Court is authorized to appoint senior judges only after it has made an affirmative finding that the effective administration of justice in one or more judicial districts in Tennessee requires additional judicial resources.

AND FURTHER AMEND by deleting subsection (a) of SECTION 5 in its entirety and substituting instead the following new subsection (a):

(a) In addition to their regular retirement

allowance, senior justices and judges shall receive an annual salary equal to the lesser of (i) twenty-five percent (25%) of the current annual compensation of the office from which the justice or judge retired or (ii) the actual difference between the justice's or judge's annual retirement allowance and the current compensation of the office from which the justice or judge retired. The salary shall be payable in monthly installments by the Commissioner of Finance and Administration out of the treasury of the State.

AND FURTHER AMEND by deleting subsection (a)(1) of SECTION 6 in its entirety and by renumbering the remaining subsections accordingly;

AND FURTHER AMEND by deleting from the first sentence of subsection (a) of SECTION 7 the words "and who on the effective date of this act have not reached the age of seventy-six";

AND FURTHER AMEND by deleting SECTION 8 in its entirety and by substituting instead the following new section:

The provisions of this act are intended to be in addition to and supplemental to the provisions of Tennessee Code Annotated, Title 17, Chapter 2, and Sections 8-36-806 and 16-3-502(2) and shall not be construed to supersede these provisions as they exist on the effective date of this act. In the case of conflict between the provisions of this act and any other statute, the provisions of this act will control.

AND FURTHER AMEND by deleting SECTION 10 in its entirety and by substituting instead the following new section:

SECTION 10.

(A) The Supreme Court shall advise and consult with the Chairmen of the Judiciary and Finance, Ways and Means Committees of the Senate and the House of Representatives and with the Commissioner of Finance and Administration whenever it has reason to believe that the effective administration of justice requires the appointment of one or more senior justices or judges.

(B) If, following these consultations, the Supreme Court appoints a senior justice or judge, the Executive Secretary shall file a report with the Commissioner of Finance and Administration and with the Judiciary and Finance, Ways and Means Committees of the Senate and the House of Representatives stating the number of justices or judges to be appointed, the reasons for the appointment, and the circuits or courts expected to be served.

(C) By no later than February 1 of each year,

the Executive Secretary shall file a report concerning the utilization of the senior justices and judges with the Judiciary and Finance, Ways and Means Committees of the Senate and the House of Representatives and with the Commissioner of Finance and Administration. The report shall identify: (1) the persons serving as senior justices or judges during the prior calendar year and the date and length of their appointment; (2) the court or courts on which each justice or judge worked during the prior calendar year; (3) the number of weeks each justice or judge worked during the prior calendar year; and (4) the total expenses for the program during the prior calendar year showing (a) the total personnel expenses for the senior justices and judges; (b) the total expenses for support personnel; (c) the total expenditures for office space, furniture, books and equipment; and (d) the total expenditures for travel and related items.

AND FURTHER AMEND by adding the following new section:

SECTION 11. For the purpose of permitting eligible active and retired justices or judges to apply for designation as a senior justice or judge, the provisions of this act shall take effect on July 1, 1990, the public welfare requiring it. For all other purposes, this act shall take effect on January 1, 1991, and no senior justice or judge shall be designated or begin to serve until January 1, 1991.

AND FURTHER AMEND by adding the following new section:

The provisions of this act shall be subject to the funding being provided in the General Appropriations Act. Further, the funding for fiscal year 1990-91 shall not exceed \$200,000.

On motion, Amendment No. 1 was adopted.

Rep. Copeland moved to amend as follows:

Amendment No. 2

Amend House Bill No. 1703 by deleting from Section 1 the following amendatory language and punctuation:

"Senior Judge Enabling Act of 1990."

and by substituting instead the following:

"Judge for Life Act of 1990."

Rep. Rhinehart moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

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Ayes.	65
Noes.	28
Present and not voting.	1

Representatives voting aye were: Armstrong, Austin, Bell, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Halteman, Harrill, Hassell, Head, Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, Moody, Moore (Lawrence), Naifeh, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Stallings, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Whitson, Williams, Winningham, Wix, Yelton, Mr. Speaker Murray -- 65.

Representatives voting no were: Anderson, Bittle, Burchfield, Callicott, Chiles, Coffey, Copeland, Davis (Cocke), Duer, Good, Gunnels, Haun, Henry (Putnam), Henry (Roane), Huskey, McAfee, McDaniel, Niceley, Nuber, Peroulas, Scruggs, Shirley, Sipes, Stamps, Starnes, Webb, Wolfe, Wood -- 28.

Representatives present and not voting were: Moore (Shelby) -- 1.

Thereupon, Rep. Naifeh moved that House Bill No. 1703, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	4
Present and not voting.	2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

Representatives voting no were: Callicott, Chiles, McAfee, Stamps -- 4.

Representatives present and not voting were: Copeland, Turner, L. (Shelby) -- 2.

A motion to reconsider was tabled.

WEDNESDAY, APRIL 4, 1990 -- EIGHTY-SIXTH LEGISLATIVE DAY

***House Bill No. 1720 -- Alcoholic Offenses --** Authorizes the forfeiture of certain vehicles used to commit DUI; permits challenge of certain prior guilty plea DUI convictions under certain circumstances. Amends TCA 55-10-403.

Rep. Buck moved that House Bill No. 1720 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1720 by deleting Section 1 in its entirety and by renumbering the subsequent sections accordingly.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 1.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 2.

Thereupon, Rep. Buck moved that House Bill No. 1720, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kiser, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

***House Bill No. 2465 -- Sports --** Makes toughman contests lawful. Amends TCA, Title 68, Ch. 50.

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On motion, House Bill No. 2465 was made to conform with Senate Bill No. 2502.

On motion, Senate Bill No. 2502, on same subject, was substituted for House Bill No. 2465.

Rep. Yelton moved that Senate Bill No. 2502 be passed on third and final consideration.

Rep. Yelton moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Webb moved the previous question, which motion he later withdrew.

Rep. Yelton moved that Senate Bill No. 2502 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Thereupon, Rep. Yelton moved passage of Senate Bill No. 2502 on third and final consideration, which motion failed by the following vote:

Ayes.	46
Noes.	45
Present and not voting.	5

Representatives voting aye were: Armstrong, Bivens, Buck, Callicott, Cole, Cross, Curlee, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Duer, Gaia, Givens, Harrill, Haun, Head, Hillis, Holcomb, Hubbard, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Ussery, Webb, Whitson, Wix, Wood, Yelton -- 46.

Representatives voting no were: Anderson, Austin, Bell, Bragg, Burnett, Byrd, Chiles, Clark, Coffey, Collier, Crain, Davidson, Davis (Gibson), Dixon, Garrett, Gunnels, Halteman, Hassell, Henry (Putnam), Henry (Roane), Hobbs, Holt, Huskey, Kent, Kisber, Moody, Odom, Peroulas, Phillips, Pinion, Purcell, Ridgeway, Scruggs, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Williams, Winningham, Wolfe, Mr. Speaker Murray -- 45.

Representatives present and not voting were: Bittle, Burchfield, Cain, Copeland, Good -- 5.

Pursuant to Rule No. 39, Senate Bill No. 2502, having failed to receive a constitutional majority, was re-referred to the Calendar and Rules Committee.

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PRESENT IN CHAMBER

Representative Wheeler was recorded as being present in the Chamber at 3:22 p.m.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish the record to reflect my desire to have voted "aye" on the following bills if I had been present: House Joint Resolution(s) No(s). 690, 654 and 685; Senate Bill(s) No(s). 2430, 1866, 2562, 2350, 2096 and 2393; House Bill(s) No(s). 2226, 1720 and 1703; and have this statement entered in the Journal.

Rep. Tom Wheeler

REGULAR CALENDAR, CONTINUED

House Bill No. 1948 -- Public Officials -- Requires the suspension of certain state officials upon indictment for a felony offense. Amends TCA, Title 8.

Rep. Bivens moved that Senate Bill No. 1948 be reset to the Calendar for Wednesday, April 11, 1990, which motion prevailed.

House Bill No. 2093 -- Planning, Public -- Removes requirements for prerequisites to granting certain building permits. Amends TCA 13-4-388.

On motion, House Bill No. 2093 was made to conform with Senate Bill No. 2255.

On motion, Senate Bill No. 2255, on same subject, was substituted for House Bill No. 2093.

Rep. Wheeler moved that Senate Bill No. 2255 be reset to the next available space on the Calendar for Monday, April 9, 1990, which motion prevailed.

*House Bill No. 2308 -- Public Funds and Financing -- Removes alternate method for securing deposits of state funds. Amends TCA, Title 9, Ch. 4, 45-2-611. Repeals TCA, Title 9, Ch. 4, Pt. 5.

Rep. Wheeler moved that House Bill No. 2308 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2308 by deleting Sections 1, 2 and 3 in their entirety and by substituting in lieu thereof the following:

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 4, Part 5 is amended by deleting the provisions of Part 5 in their entirety and by substituting instead the following:

Section 9-4-501. Short Title. This act shall be known and may be cited as "The Collateral Pool for Public Deposits Act of 1990".

Section 9-4-502. Definitions. As used in this Act unless the context clearly requires otherwise:

(a) "Treasurer" means the treasurer of the state of Tennessee;

(b) "Average daily balance" means the average daily balance of public deposits held during the calendar month immediately preceding the current month. The average daily balance must be determined by totaling by account the daily balances in excess of any applicable deposit insurance held by the depositor and then dividing the totals by the number of calendar days in the month;

(c) "Average monthly balance" means the average monthly balance of public deposits held by the depository during any twelve (12) calendar months. The average monthly balance of the previous twelve (12) calendar months must be determined by adding the average daily balance for the calendar month immediately preceding the current month and the average daily balances for the eleven (11) months preceding that month and dividing the total by twelve (12);

(d) "Collateral pool" means an arrangement whereby the repayment of public deposits deposited with any qualified public depository are secured through the sum total of eligible collateral pledged by all qualified public depositories within the same collateral pool and contingent liability agreements as provided by the appropriate collateral pool board;

(e) "Board" for banks shall mean the bank collateral pool board created pursuant to Section 9-4-506 and for savings institutions shall mean the savings institution collateral pool board created pursuant to Section 9-4-507;

(f) "Collateral-pledging levels", for a qualified public depository, means that level of collateral determined to be required to be pledged by the appropriate collateral pool board;

(g) "Default" may include but is not limited to:

(1) The failure of any qualified public depository to return any public deposit, including earned interest in accordance with the terms of the deposit contract;

(2) The failure of any qualified public depository to pay any properly payable check, draft or warrant drawn by the public depositor;

(3) The failure of any qualified public depository to honor any valid request for electronic transfer of funds;

(4) The failure of any qualified public depository to account for any check, draft, warrant, order, deposit certificate or money entrusted to it;

(5) The issuance of any order of any court or the taking of any formal action by any supervisory authority, which has the effect of restraining a qualified public depository from making payments of deposit liabilities;

(6) The appointment of a conservator or receiver for a qualified public depository; or

(7) Any other action which the treasurer determines to place public deposits in jeopardy.

(8) Failure to provide the required collateral as established by the board.

(h) "Deposit insurance" means the insurance provided by the federal deposit insurance corporation;

(i) "Depository Pledge Agreement" shall mean the contract between the treasurer, a qualified public depository, and a trustee custodian providing for the pledge and deposit of collateral, and other provisions determined by the treasurer;

(j) "Eligible collateral" shall have the meaning set forth in Section 9-4-103. For savings institutions securing local government deposits, eligible collateral shall also include securities described in Section 9-1-107(a)(2) under such additional conditions as the treasurer deems appropriate;

(k) "Loss" includes but is not limited to:

(1) The principal amount of the public deposit;

(2) All accrued interest through the date of default;

(3) Additional interest at the rate the public deposit was earning on the total of subdivisions (1) and (2) through the day of payment by a liquidator or other third party or through the date of sale of eligible collateral by the treasurer or his agent; and

(4) Attorney's fees incurred in recovering public deposits.

(l) "Public deposit" shall have the same meaning as "public funds" as set forth in Section 45-2-611;

(m) "Public Deposit Security Trust Fund" or "the Fund" shall mean the fund created pursuant to Section 9-4-514;

(n) "Public depositor" means the state of Tennessee, or any Tennessee county, Tennessee incorporated municipality and their political subdivisions, or any utility district organized under the laws of the state of Tennessee or any interstate compact to which the state of Tennessee is a party;

(o) "Public depository" means any bank, savings and loan association or savings bank (collectively referred to as savings institutions) located in the state of Tennessee which is under the supervision of the department of financial institutions, the United States comptroller of the currency, or the office of thrift supervision and which has been appropriately designated to hold public deposits by a public depositor;

(p) "Required collateral" of a

qualified public depository means eligible collateral, excluding accrued interest, having a "market value equal to or in excess of the greater of the average daily balance or average monthly balance of public deposits multiplied by the qualified public depository's collateral-pledging level as determined by the board;

(q) "Task Force" shall mean the security for public deposits task force created pursuant to Section 9-4-521;

(r) "Trustee custodian" means a financial institution designated to hold eligible collateral on behalf of the treasurer and a qualified public depository pursuant to Section 9-4-108; and

(s) "Qualified public depository" means any public depository that meets all of the requirements of this act and that has been authorized by the appropriate board to secure public deposits through a collateral pool.

Section 9-4-503. Application for Participation In Collateral Pool.

(a) Any public depository which holds public deposits may apply to the board for permission to participate in a collateral pool to secure all public deposits at such public depository.

(b) An application submitted pursuant to this act is subject to the approval of the appropriate board. The board shall set the number of votes required for the approval of such applications.

(c) The appropriate board may require such information regarding the financial condition of the public depository as the board deems necessary for determining the suitability of that depository to participate in a collateral pool. Prior to participation in the applicable collateral pool, a qualified public depository shall execute a depository pledge agreement.

Section 9-4-504. Collateral for Public Deposits.

(a) Every qualified public depository shall deposit with the treasurer eligible collateral equal to or in excess of the required collateral of the depository. Each qualified public depository shall calculate monthly the amount of its required

collateral based upon notice of its collateral-pledging level from the appropriate board.

(b) A qualified public depository shall maintain required collateral to secure public deposits. Provided, a qualified public depository which accepts any public deposit that would increase its required collateral by twenty-five percent (25%) shall deposit additional eligible collateral to secure such increase within two (2) business days of the deposit.

(c) Upon approval to participate in a collateral pool, a qualified public depository may secure public deposits through the collateral pool.

(d) A qualified public depository shall notify its public depositors that all their public deposits are secured through a collateral pool as provided in this act. The notification shall be made at the time the public depository is admitted to a collateral pool, or when an account is established by a public depositor with the qualified public depository. A qualified public depository must notify its public depositors of any change in the manner collateral is held. Notice to public depositors under this part shall constitute the mailing of the appropriate information to the individual indicated on the account authorization.

(e) A qualified public depository shall carry in its accounting records a general ledger or other appropriate account of all public deposits to be secured through the collateral pool and the total value of eligible collateral pledged to secure such deposits.

Section 9-4-505. Custodians.

(a) Upon being designated as a qualified public depository, the qualified public depository shall select one or more trustee custodians for the deposit of eligible collateral by the qualified public depository.

(b) Designation of trustee custodians shall be made in accordance with the provisions of Section 9-4-108.

(c) The provisions contained in Sections 9-4-408 and 9-4-409 shall apply to trustee custodians designated under this act.

(d) Trustee custodians shall submit a report quarterly to the treasurer providing a description of eligible collateral securities deposited by the

qualified public depository and the current par value of eligible collateral as well as other reasonable reports requested by the treasurer.

(e) Neither the state, the treasurer, nor the collateral pool shall be liable to either the qualified public depository or the public depositories for eligible collateral deposited with or held by any trustee custodian for any loss arising from any breach of the trust or from any other cause whatsoever.

Section 9-4-506. Bank Collateral Pool Board.

(a) There is hereby created a bank collateral pool board composed of seven (7) members. Two of the members shall be the commissioner of financial institutions and the state treasurer. The Tennessee Bankers' Association board of directors shall appoint one (1) member to represent banks with assets of five hundred million dollars (\$500,000,000) or more, one (1) member to represent banks with assets of less than five hundred million dollars (\$500,000,000), and two (2) members at large. The security for public deposits task force shall appoint one (1) member in accordance with Section 9-4-521(c).

(b) Initially, two (2) members shall be appointed for a term of one (1) year, one of whom shall be the member appointed by the security for public deposits task force. The remaining two (2) members shall be appointed for a term of two (2) years. Upon expiration of these terms, members shall be appointed thereafter for two-year terms. Any member is eligible for reappointment and shall serve until a successor qualifies. The board shall annually elect from its membership a chair and a vice-chair and shall designate a secretary who need not be a member of the board. The secretary shall keep a record of the proceedings of the board and shall be the custodian of all printed materials filed with or by the board. Notwithstanding the existence of vacancies on the board, a majority of the members constitutes a quorum and the board may not take official action in the absence of a quorum. The board shall convene as needed.

(c) If a vacancy occurs in the position of any appointed member, the original appointing authority shall fill the position for the remainder of the unexpired term.

(d) A member of the board shall receive no compensation for service on the board, but a member of the board shall be reimbursed for the member's travel expenses in accordance with the comprehensive travel

regulations promulgated by the department of finance and administration and approved by the attorney general.

(e) The board shall be attached for administrative purposes to the department of treasury.

Section 9-4-507. Savings Institution Collateral Pool Board.

(a) There is hereby created a savings institution collateral pool board composed of seven (7) members. Two of the members shall be the commissioner of financial institutions and the state treasurer. The Tennessee League of Savings Institutions board of directors shall appoint four (4) members, and the security for public deposits task force shall appoint one (1) member in accordance with Section 9-4-521(c).

(b) Initially, two (2) members shall be appointed for a term of one (1) year, one of whom shall be the member appointed by the security for public deposits task force. The remaining two (2) members shall be appointed for a term of two (2) years. Upon expiration of these terms, members shall be appointed thereafter for two-year terms. Any member is eligible for reappointment and shall serve until a successor qualifies. The board shall annually elect from its membership a chair and a vice-chair and shall designate a secretary who need not be a member of the board. The secretary shall keep a record of the proceedings of the board and shall be the custodian of all printed materials filed with or by the board. Notwithstanding the existence of vacancies on the board, a majority of the members constitutes a quorum and the board may not take official action in the absence of a quorum. The board shall convene as needed.

(c) If a vacancy occurs in the position of any appointed member, the original appointing authority shall fill the position for the remainder of the unexpired term.

(d) A member of the board shall receive no compensation for service on the board, but a member of the board shall be reimbursed for the member's travel expenses in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general.

(e) The board shall be attached for administrative purposes to the department of treasury.

Section 9-4-508. Duties and Powers of Boards.

Each collateral pool board shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

(a) Establish criteria, as may be necessary, to:

(1) Approve entry into the collateral pool by a public depository;

(2) Order discontinuance of participation in the program by a qualified public depository;

(3) Restrict the total amount of public deposits a public depository may hold;

(4) Establish collateral-pledging levels based on qualitative and quantitative standards; and

(5) Suspend or disqualify, or disqualify after suspension, any qualified public depository that has violated any of the provisions of this act or of rules adopted hereunder. Any public depository that is suspended or disqualified pursuant to this subsection is subject to the provisions of Section 9-4-517 governing withdrawal from the public deposit security program and return of pledged collateral.

(b) If the board has reason to believe that any qualified public depository or any other financial institution holding public deposits is or has been violating any of the provisions of this chapter or of rules adopted hereunder, it may issue to the qualified public depository or other financial institution an order to cease and desist from the violation or to correct the condition giving rise to or resulting from the violation. The board may suspend or disqualify any qualified public depository for violation of any order issued pursuant to this subsection.

(c) Establish a minimum amount of required collateral to provide for the contingent liability.

(d) Review administration of the pools by the treasurer and prepare an annual report on the condition of the pools.

(e) The board may, at its discretion, require every qualified public depository to pay on a periodic basis an operating fee as may be set by the board.

(f) The board upon a unanimous vote may terminate

the applicable collateral pool. The board shall establish a date for such termination, and provide for the withdrawal of all participating qualified public depositories.

(g) The board upon six (6) affirmative votes may promulgate reasonable substantive and procedural rules as are necessary to carry out the purpose and intent of this act. Such rules shall be adopted pursuant to the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Chapter 5 of Title 4.

(h) The board may delegate any of its powers herein conferred to the state treasurer.

Section 9-4-509. Administrative Procedure. - The provisions of the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Chapter 5 of Title 4, shall govern all matters and procedures respecting the hearing and judicial review of any contested case, as defined therein, arising under this act.

Section 9-4-510. Mutual Responsibility.

Any bank or savings institution that is designated as a qualified public depository shall guarantee public depositors against loss caused by the default or insolvency of other qualified public depositories within the same pool as provided in Section 9-4-512. The treasurer shall maintain separate and totally independent contingent liability agreements; one such agreement exclusively for banks and another exclusively for savings institutions.

Section 9-4-511. Powers of the Treasurer.

In fulfilling the requirements of this act, the treasurer has the power to:

(1) Require such collateral, or increase the collateral-pledging level, of any qualified public depository as may be necessary to administer the provisions of this act and to protect the integrity of the collateral pools as directed by the board.

(2) Decline to accept, or reduce the reported value of, collateral as circumstances may require in order to ensure the pledging of sufficient marketable collateral to meet the purposes of this act.

(3) Verify the reports of any qualified public depository relating to public deposits it holds when necessary to protect the integrity of the collateral pool.

(4) Sell pledged securities, or move pledged

securities to an account established in the treasurer's name, for the purpose of paying losses to public depositors not covered by deposit insurance or to perfect the treasurer's interest in the pledged securities.

(5) Transfer funds directly from the trustee custodian to public depositors or the receiver in order to facilitate prompt payment of claims.

(6) Provide data as may be necessary to assist the boards in developing standards and criteria for the program.

(7) Review, implement, monitor, evaluate, and modify, as needed, all or any part of the standards and policies recommended by the board.

(8) Confirm public deposits, to the extent possible under current law, when needed.

(9) Monitor and confirm, as often as deemed necessary by the treasurer, the pledged collateral held by trustee custodians.

(10) Audit or verify the reports required under this act or under rules adopted hereunder.

(11) Maintain perpetual inventory of pledged collateral and perform monthly market valuations and quality ratings.

(12) Perform financial analysis of all qualified public depositories.

(13) Perfect interest in pledged collateral by having pledged securities moved into an account established in the treasurer's name. This action shall be taken at the discretion of the treasurer.

(14) Promulgate necessary substantive and procedural rules for administration of the program.

Section 9-4-512. Procedure for Payment of Losses.

When the treasurer determines that a default or insolvency has occurred, he shall provide notice as required in Section 9-4-513 and implement the following procedures:

(a) The treasurer, in cooperation with the commissioner of financial institutions, the appropriate federal regulator, or the conservator or receiver of the qualified public depository in default, shall ascertain the amount of funds of each

public depositor on deposit at such depository and the amount of deposit insurance applicable to such deposits.

(b) The potential loss to public depositors shall be calculated by compiling claims received from such depositors. Such claims shall be validated by the treasurer. The loss to public depositors shall be satisfied, insofar as possible, first through any applicable deposit insurance and then through the sale of securities pledged by the defaulting depository.

(c) If the loss to public depositors is not covered by such insurance or the proceeds of such sale, the treasurer shall provide coverage of the remaining loss by assessment against the other qualified public depositories within the same pool as the depository in default. However, if the sale of securities cannot be accomplished within seven (7) business days, the treasurer may proceed with the assessment to qualified public depositories. Such assessment shall be determined by multiplying the total amount of the loss to all public depositors by a percentage which represents the average share of public fund deposits held by that depository during the previous twelve (12) months divided by the average total public deposits held by all depositories within the same pool during the same twelve (12) month period, excluding the public deposits of the defaulting depository.

(d) Each qualified public depository shall pay its assessment to the treasurer within seven (7) business days after it receives notice of the assessment. If a depository fails to pay its assessment when due, the treasurer shall satisfy the assessment by selling securities pledged by that depository.

(e) The treasurer shall distribute the funds to the public depositors of the depository in default according to their validated claims.

(f) Public depositors receiving payment under the provisions of this section shall assign to the treasurer any interest they may have in funds that may subsequently be made available to the qualified public depository in default. If the qualified public depository in default or its receiver provides the funds to the treasurer, the treasurer shall distribute the funds, plus all accrued interest which has accumulated from the investment of the funds, if any, to the depositories which paid assessments on the same pro rata basis as the assessments were paid.

Section 9-4-513. Notice to Claimants.

(a) Within thirty (30) days after the date of default or insolvency of a qualified public depository, the treasurer shall publish or cause to be published notice of such default or insolvency once a week for two (2) consecutive weeks, in a newspaper of general circulation in each grand division of the state and in the Tennessee Administrative Register. The notice shall direct all public depositories having claims or demands against the public deposit security trust fund occasioned by the default or insolvency to file their claims with the treasurer within ninety (90) days after the date of the first publication of the notice.

(b) No claim against the public deposit security trust fund is binding on the fund unless presented within ninety (90) days after the date of the first publication of the notice.

(c) This section does not affect any proceeding to:

(1) Enforce any real property mortgage, chattel mortgage, security interest, or other lien on property of a qualified public depository that is in default, or insolvency; or

(2) Establish liability of a qualified public depository that is in default or insolvency to the limits of any federal or other casualty insurance protection.

Section 9-4-514. Public Deposit Security Trust Fund.

(a) In order to facilitate the administration of this chapter, there is created the Public Deposit Security Trust Fund, hereafter in this section designated "the fund". The fund shall be composed of securities pledged as collateral from any defaulting institution, proceeds from the sale of such securities, or from any assessment.

(b) The treasurer is authorized to pay any loss to public depositories from the fund, and there are hereby appropriated from the fund such sums as may be necessary from time to time to pay the losses.

Any money in the fund estimated not to be needed for immediate cash requirements shall be invested pursuant to Section 9-4-603.

Section 9-4-515. Effect of Merger or Acquisition; Change of Name or Address.

(a) In the event a qualified public depository not in default is merged into, acquired by, or consolidated with a bank or savings institution that is not a qualified public depository, the resulting institution shall become a qualified public depository, and the contingent liability of the former institution shall be a liability of the resulting institution. Within thirty (30) days after the effective date of the merger, acquisition, or consolidation, the resulting institution shall execute in its own name and deliver to the treasurer the contingent liability agreement required by Section 9-4-510. If the resulting institution chooses not to remain a qualified public depository, it shall comply with the procedures for withdrawal from the collateral pool as provided in Section 9-4-516.

(b) The qualified public depository shall notify the treasurer of any acquisition or merger within three (3) days after the final approval of the acquisition or merger by its appropriate regulator.

(c) Collateral subject to a depository pledge agreement may not be released by the treasurer or the custodian until the assumed liability is evidenced by the deposit of collateral pursuant to the depository pledge agreement of the successor entity. The reporting requirement and pledge of collateral will remain in force until the treasurer determines that the liability no longer exists. The surviving or new qualified public depository shall be responsible and liable for all of the liabilities and obligations of each qualified public depository merged with or acquired by it.

(d) Each qualified public depository shall report any change of name and address to the treasurer on a form provided by the treasurer regardless of whether the name change is a result of an acquisition or merger. Notification must be made within three (3) days of such change.

Section 9-4-516. Voluntary Withdrawal From Collateral Pool.

(a) A qualified public depository may withdraw from the public deposit security program by giving written notice to the treasurer and to the public depositors having public deposits at the qualified public depository.

(b) Notice of withdrawal shall be mailed or delivered in sufficient time to be received by the treasurer and by the public depositors at least one hundred eighty (180) days before the effective date of

withdrawal. The treasurer shall timely publish the withdrawal notice in the Tennessee Administrative Register which shall constitute notice to all depositors. On the effective date of withdrawal, the treasurer is authorized to transfer eligible collateral as jointly directed by the public depository and public depositors to ensure that public depositors are adequately collateralized individually.

(c) The contingent liability for any loss prior to the effective date of withdrawal of the depository withdrawing from the collateral pool shall continue after the effective date of the withdrawal. The board may establish minimum collateral and reporting requirements sufficient to meet the needs to satisfy any potential contingent liability of a withdrawing qualified public depository.

Section 9-4-517. Mandatory Withdrawal From Collateral Pool.

(a) A qualified public depository shall be required to withdraw upon a majority vote of the board. The board may vote to require a qualified public depository to withdraw upon a default by the qualified public depository, or upon the failure of the qualified public depository to meet the eligibility or pledging criteria established by the board. The board shall establish an effective date for such withdrawal.

(b) The treasurer shall notify the qualified public depository of the effective date of the withdrawal not less than thirty (30) days prior to such effective date. Within ten (10) business days after receipt of such notification, the qualified public depository must notify the public depositors having public deposits at the qualified public depository of the effective date of the withdrawal. On the effective date of withdrawal, the treasurer is authorized to transfer eligible collateral as jointly directed by the public depository and public depositors to ensure that public depositors are adequately collateralized individually.

(c) The contingent liability for any loss prior to the effective date of withdrawal of the depository withdrawing from the collateral pool shall continue after the effective date of the withdrawal. The board may establish minimum collateral and reporting requirements sufficient to meet the needs to satisfy any potential contingent liability of a withdrawing qualified public depository.

Section 9-4-518. Reports of Qualified Public Depositories.

(a) Within fifteen (15) days after the end of each calendar month, or when requested by the treasurer, each qualified public depository shall submit to the treasurer a written report, under oath, indicating the average daily balance of all secured public deposits held by it during the month, the average monthly balance of all public deposits held for the previous twelve (12) calendar months, a detailed schedule of all securities pledged as collateral, a statement of selected financial information, and any other information that the treasurer determines necessary to administer this chapter.

(b) Annually, not later than March 31 of each year, each qualified public depository shall cause to be delivered to the treasurer from a person qualified to conduct audits a statement of all public deposits held for the credit of all public depositors at the close of business on the last business day in the year.

(c) In addition to the reports required in subsections (a) and (b), each qualified public depository shall submit to the treasurer:

(1) A copy of the quarterly report of condition required by the Federal Deposit Insurance Act, 12 U.S.C. Section 1817 et seq., if such depository is a bank; or

(2) A copy of the monthly and quarterly reports required to be filed with the office of thrift supervision, or such other federal regulator by whatever named called, if such depository is a savings institution.

(d) In addition to the requirements of subsection (a), the following forms shall be made under oath:

(1) The contingent liability agreement.

(2) The depository pledge agreement.

(3) The public depository change of name, address, and charter of institution.

(e) Any information contained in a report by a qualified public depository required under this act or any rule adopted under this act, which is confidential by any law of the United States or of this state, be considered confidential and not subject to dissemination to anyone other than the treasurer and

the board under the provisions of this act. It shall be the responsibility of each qualified public depository from which information is required to inform the treasurer of information that is confidential and the treasurer does not have a duty to inquire into whether information is confidential.

(f) The provisions of Tennessee Code Annotated, Section 10-7-503, shall not apply to information deemed confidential as provided in subsection (e). All meetings of the board wherein such information is discussed shall be exempt from the provisions of Tennessee Code Annotated, Chapter 44 of Title 8.

Section 9-4-519. Requirements for Public Depositors.

(a) Public depositors shall comply with the following requirements:

(1) A public depositor shall ensure that the name of the public depositor is on the account or certificate provided to the public depositor by the qualified public depository in a manner sufficient to disclose the identity of the public depositor.

(2) A public depositor who has assets on deposit in a qualified public depository that is in default or is insolvent shall notify the treasurer of that fact within three (3) business days after receiving actual notice of the default from publications made pursuant to Section 9-5-313(a).

(3) Not later than March 31 of each year, a public depositor shall notify the treasurer of its official name, address, and federal tax identification number. A public entity established during the year shall furnish its official name, address, and federal tax identification number to the treasurer prior to making any public deposit.

(b) If a public depositor does not comply with subsection (a)(1) of this section, the pool shall not be liable for the loss incurred to that particular account created by the public depositor. The waiver of immunity provided in section 9-4-520 shall be ineffective as to that public depositor for such account.

Section 9-4-520. Liability of Public Depositors and the State.

Under no circumstance is the state, or any state

agency, or public depositor, liable for all or any portion of any loss resulting from the default or insolvency of a qualified public depository except as provided in section 9-4-519(b).

Section 9-4-521. Security for Public Deposits Task Force.

(a) There is created the "Security for Public Deposits Task Force". The task force shall consist of the state treasurer, the state comptroller of the treasury, and eleven (11) voluntary members who shall be appointed by the treasurer and who shall serve at his pleasure. Provided, however, membership shall terminate upon separation of a member from employment with the local government or profession the member represents on the task force. The voluntary members shall have the following representation:

(1) Two members must be officers or directors of a bank;

(2) Two members must be officers or directors of a savings and loan association;

(3) Two members must be county officers or employees;

(4) Two members must be officers or employees of a municipality;

(5) One member must be a registered securities broker or dealer;

(6) Two members must be officers or employees of any of the following: a school district, a special district, an institution of higher education, a metropolitan government, or an agency, board, bureau, commission, or institution of any of the foregoing or of any court.

(b) The members referred to subsection (a)(3) of this section shall be appointed by the treasurer from a list of five (5) nominees submitted by the Tennessee county services association. The members referred to in subsection (a)(4) of this section shall be appointed from a list of five (5) nominees submitted by the Tennessee municipal league. The nominees selected by the league and association shall have at least two (2) years experience in the field of finance.

(c) The task force shall elect from among the four (4) members referred to in subsections (a)(3) and (a)(4) of this section one (1) representative to serve

as a member of the bank collateral pool board, and one (1) representative to serve as a member of the savings institution collateral pool board.

(d) The security for public deposits task force shall meet at least once every two (2) years and review this act. The meeting shall take place in time to make recommendations for changes in legislation, procedure or regulations to the treasurer or the general assembly as may be appropriate.

Section 9-4-522. Deposits of Funds - Operating Expenses.

Any fees collected under the provisions of this act shall be paid into the treasury of the state and the same are hereby appropriated exclusively to the department of treasury to be used in carrying out the provisions of this act.

Section 9-4-523. Commencement of Operation.

(a) The collateral pool for each type of public depository shall be established when at least fifty percent (50%) of depositories of that type, or when depositories representing sixty percent (60%) of the total deposits in the state in depositories of that type, provide written notice to the appropriate board of their desire to participate in a collateral pool.

(b) The board shall establish and notify each public depository of the date the collateral pool shall commence operating. Such notice shall be given not less than thirty (30) days prior to the date established.

(c) At such time as the board notifies public depositories that the pool shall begin or at such time after a public depository joins a collateral pool, the treasurer is empowered to assume responsibility as successor pledgee of any and all collateral pledged to individual public depositors by that public depository.

(d) The treasurer is empowered to sign such documents on behalf of individual public depositors as may be required by a trustee custodian.

SECTION 2. Tennessee Code Annotated, Section 9-4-408 is amended by adding the following new subsection to be appropriately designated:

The treasurer is authorized to establish alternative procedures for the deposit and release of eligible collateral held on his behalf by trustee custodians pursuant to this chapter.

WEDNESDAY, APRIL 4, 1990 -- EIGHTY-SIXTH LEGISLATIVE DAY

SECTION 3. Tennessee Code Annotated, Section 45-2-611, is amended by deleting the section in its entirety and by substituting in lieu thereof the following:

(a) A bank may pledge its assets only:

(1) To enable it to act as an agent for the sale of obligations of the United States;

(2) To secure borrowed funds;

(3) To secure the public funds of a governmental entity; and

(4) For such other purposes as are approved by the commissioner.

(b) For the purposes of this section:

(1) Governmental entity means the following:

(A) (i) The United States government or any agency thereof; or

(ii) Any instrumentality of the United States the funds of which are required by law to be secured;

(B) The state of Tennessee or any other state, counties, incorporated municipalities and their political subdivisions or any utility district organized under the laws of a state or an interstate compact.

(2) Public Funds means:

(A) Funds in which the entire beneficial interest is owned by a governmental entity; or

(B) Funds held in the name of a public official charged with the duty to receive or administer funds and acting in his official capacity.

(c) A financial institution authorized to secure public funds of any governmental entity shall do so in the same manner and under the same conditions as state deposits under Tennessee Code Annotated, Title 9, Chapter 4 or as provided in a collateral pool as provided in this Act.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions

or applications of the act which can be given effect without the invalid provision or application and to that end the provisions are declared severable.

SECTION 5. The provisions of Sections 2 and 3, and the provisions for establishing the boards, promulgating rules and regulations, and implementing the administrative portions of this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on January 1, 1991.

On motion, Amendment No. 1 was adopted.

Rep. Wheeler moved to amend as follows:

Amendment No. 2

AMEND House Bill No. 2308 by deleting from the first sentence of Section 9-4-506(b) of Section 1, as amended, the words and figures "Two (2) members" and by substituting instead the words and figures "Three (3) members".

AND FURTHER AMEND by deleting from the first sentence of Section 9-4-507(b) of Section 1, as amended, the words and figures "Two (2) members" and by substituting instead the words and figures "Three (3) members".

AND FURTHER AMEND by deleting from Section 9-4-516(a) of Section 1, as amended, the words "public deposit security program" and by substituting instead the words "collateral pool". AND FURTHER AMEND by deleting from Section 9-4-519(a)(2) of Section 1, as amended, the figures "9-4-313(a)" and by substituting instead the figures "9-4-513(a)".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Wheeler moved that House Bill No. 2308, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Maltzman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt,

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Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton -- 92.

A motion to reconsider was tabled.

House Bill No. 2560 -- Taxes, Real Property -- Enacts "Beneficial Use Tax Act of 1990". Amends TCA, Title 67, Ch. 4, Pt. 5; Title 67, Ch. 5, Pt. 2.

Rep. Wheeler moved that House Bill No. 2560 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2560 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 67, Chapter 4, is amended by adding the following Sections 2 through 8 as a new part.

SECTION 2. This part shall be known and may be cited as the "Beneficial Use Tax Act of 1990".

SECTION 3. As used in this act, unless the context otherwise requires:

(1) "Affiliated group" means one (1) or more chains of entities connected through ownership with a common parent entity, but only if they are linked to a common parent by:

(A) eighty percent (80%) or greater ownership interest,

(B) eighty percent (80%) or greater voting interest or control, or

(C) eighty percent (80%) or greater profit interest.

(2) "Beneficial use" includes occupying, managing, or controlling tax-exempt real property by a person other than the owner thereof for a business purpose, or possessing the right or power to occupy, manage, or control such property for such purpose, whether such right or power is exercised or not;

(3) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit, or advantage, either direct or indirect.

(4) "Commissioner" means the commissioner of revenue.

(5) "Department" means the department of revenue.

(6) "Entity" means any person other than an individual.

(7) "Person" means and includes any individual, firm, co-partnership, joint venture, estate, business trust, receiver, association, joint-stock company, syndicate, trust, partnership, corporation or other group or combination acting as a unit, and the plural as well as the singular number.

SECTION 4. The beneficial use of real property which for any reason is exempt from ad valorem taxation is a privilege taxable by the state alone on an annual basis. A tax is hereby levied each year by the state at the rate of one-tenth of one percent (.1%) of the value of the beneficial use of such property in accordance with the provisions of this act.

SECTION 5. The tax levied pursuant to Section 4 shall be due and payable in the following manner on or before June 30 of each year and shall be delinquent thereafter:

(1) On or before March 1 of each calendar year, the county trustee of each county shall report to the commissioner, in such manner as the commissioner shall prescribe, the name of each person within the county who is subject to the tax levied by the provisions of this act.

(2) The county trustee shall also report annually to the commissioner his calculation of the value of such beneficial use to the person so using such property. Such calculation shall be made in accordance with uniform standards established in rules promulgated by the commissioner. Such standards for calculating the value of the beneficial use shall include, at a minimum, the following factors:

(a) the fair market value of the property used;

(b) the extent and nature of the rights the taxpayer has been granted in the property; and

(c) the proportion of the tax year during which the taxpayer has managed, occupied or

controlled the property, or had the right or power to manage, occupy, or control such property. Profits, income, rent, contract amount, or other payments for or receipts from the property for the tax year shall not constitute the value of the beneficial use of the property. The county trustee shall also advise the commissioner of any and all in lieu of ad valorem tax payments on the property for the preceding calendar year and of any ad valorem taxes with respect to a leasehold or other interest in the property paid for the preceding calendar year.

(3) The commissioner shall assess each person subject to the tax for the preceding calendar year, based on the information provided by the county trustee. The commissioner shall review the trustee's report for accuracy and compliance with the provisions of this act and rules promulgated to implement the provisions of this act. Such assessment shall be made on or before May 1 of each calendar year.

(4) A person subject to taxation pursuant to this act shall be entitled to an annual exemption from taxation on the first one million dollars (\$1,000,000) of value of all property beneficially used by such person in such county as determined by the county trustee. The exemption for an affiliated group shall be reduced by any amount which any member of the affiliated group has claimed as an exemption in the same county for the same calendar year. The tax imposed shall be calculated at the rate of one-tenth of one percent (.1%) of the value of the beneficial use in excess of the one million dollar (\$1,000,000) exemption.

The commissioner shall enter the assessment on the official books and records of the department, and shall proceed to give notice and collect the assessment in the same manner that other state taxes are collected and administered unless otherwise provided by the provisions of this act. The commissioner shall credit against the assessed liability any in lieu of ad valorem taxes paid for the preceding calendar year on the property beneficially used and any ad valorem taxes paid with respect to a leasehold or other interest in the property beneficially used.

(5) The commissioner and any county trustee are empowered to examine the books and records of any person subject to the provisions of this act for the purposes of assessing the amount of tax owed.

SECTION 6.

(a) The commissioner shall distribute revenue

collected under the provisions of this act as follows:

(1) Twenty percent (20%) to the state of Tennessee.

(2) Eighty percent (80%) to the county in which the tax is collected.

(b) If property which generates the tax is located within an incorporated municipality, the commissioner shall distribute the revenue collected under the provisions of this act as follows:

(1) Twenty percent (20%) to the state of Tennessee;

(2) Forty-six and two-thirds percent (46 2/3%) to the county in which the tax is collected; and

(3) Thirty-three and one-third percent (33 1/3%) to such municipality.

(c) Prior to making the distribution of revenue as provided in subsections (a) and (b), two percent (2%) of the total revenue collected, or so much thereof as may be required, is appropriated to the department in addition to its regular appropriation to be expended by it in the administration and enforcement of the provisions of this act.

SECTION 7. The commissioner shall have the following power and authority:

(1) To collect, administer and enforce the provisions of this act utilizing any or all of the powers and authority granted to the commissioner under the provisions of Tennessee Code Annotated, Title 67, Chapter 1.

(2) To adopt rules and regulations necessary to enforce the collection of the tax levied by this act in accordance with the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 8. The tax levied by the provisions of this act shall be calculated and assessed on the beneficial use of property after December 31, 1990.

SECTION 9. Tennessee Code Annotated, Section 67-5-203(c) and (d), are hereby deleted in their entirety.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

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On motion, Amendment No. 1 was adopted.

Rep. Pinion moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Copeland moved to amend as follows:

Amendment No. 2

Amend House Bill No. 2560 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 287,700 nor more than 287,800 according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 2 was adopted.

Rep. Wheeler moved that House Bill No. 2560 be reset to the available space on the Calendar for Monday, April 9, 1990, which motion prevailed.

***House Bill No. 2587 -- Food and Food Products --** Revises listing of deleterious substances under the Food, Drug, and Cosmetic Act. Amends TCA, Title 53, Ch. 1.

Rep. Wheeler moved that House Bill No. 2587 be passed on third and final consideration.

Rep. Stallings moved adoption of Agriculture Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2587 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 1, Part 1, is amended by adding the following new section:

Notwithstanding any provision of law or rule to the contrary, a food item, including but not limited to biscuits, sandwiches, salads, slaw, cookies and other desserts, shall be exempt from the labelling requirements of this chapter if such food item is:

- (1) Made on site;
- (2) Sold on site; and

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(3) Made from products which are commercially available.

SECTION 2. This act shall take effect upon becoming a law, the public welfare it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Wheeler moved that House Bill No. 2587, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes	12
Present and not voting	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Cain, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kiaber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Wix, Wood, Yelton, Mr. Speaker Murray -- 85.

Representatives voting no were: Byrd, Callicott, Hassell, Kent, Moody, Nuber, Peroulas, Stamps, Turner, C. (Shelby), West, Winningham, Wolfe -- 12.

Representatives present and not voting were: Haun -- 1.

A motion to reconsider was tabled.

House Bill No. 1906 -- Fund Raising -- Requires in kind contributions to be listed separately on disclosure statement. Amends TCA, Title 2.

On motion, House Bill No. 1906 was made to conform with Senate Bill No. 2055.

On motion, Senate Bill No. 2055, on same subject, was substituted for House Bill No. 1906.

Rep. Williams moved that Senate Bill No. 2055 be passed on third and final consideration.

Rep. Williams moved that Senate Bill No. 2055 be reset to the next available space on the Calendar for Monday, April 9, 1990, which motion prevailed.

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House Bill No. 2442 -- Privacy, Confidentiality -- Extends confidential status to certain records of county and municipal governments. Amends TCA, Title 10, Ch. 7.

On motion, House Bill No. 2442 was made to conform with Senate Bill No. 2349.

On motion, **Senate Bill No. 2349**, on same subject, was substituted for House Bill No. 2442.

Thereupon, Rep. Williams moved that **Senate Bill No. 2349** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Williams moved that **Senate Bill No. 2349** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Grain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives voting no were: Herron -- 1.

A motion to reconsider was tabled.

House Joint Resolution No. 804 -- Memorials, Personal Occasion -- Congratulates Commissioner and Mrs. J.W. Luna on birth of daughter, Rachel.

Rep. Wheeler moved that **House Joint Resolution No. 804** be adopted, with the request that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

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Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Resolution No. 0137 -- Memorials, Professional Achievement
-- Congratulates Brian Thompson on receiving Tennessee Conservation League Instructor of the Year Award.

House Resolution No. 0138 -- Memorials, Interns -- Honors Rhonda N. Kenner, 1990 legislative intern.

House Joint Resolution No. 0812 -- Memorials, Sports --
Congratulates Vanderbilt University Commodores on winning National Invitation Tournament.

House Joint Resolution No. 0813 -- Memorials, Interns -- Honors
Rena Mulroy, 1990 legislative intern.

House Joint Resolution No. 0814 -- Memorials, Personal Achievement -- Honors Amy Roney, 1990 valedictorian of Gleason High School.

House Joint Resolution No. 0815 -- Memorials, Professional Achievement -- Congratulates Annie Ruth Sprott on becoming Certified Professional Secretary.

House Joint Resolution No. 0817 -- Memorials, Sports -- Honors
Coach David Vincent and Westmoreland High School boys' basketball team, TSSAA Region 6 A champs.

House Joint Resolution No. 0818 -- Memorials, Sports -- Honors
Coach Rick Miller and Trousdale County Junior Jackets, Class AA Tops in Tennessee Tournament Championship.

House Joint Resolution No. 0819 -- Memorials, Public Service --
Commends FAA flight examiner Evelyn Bryan Johnson.

House Joint Resolution No. 0820 -- Memorials, Interns -- Honors

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Christine Ragan, 1990 legislative intern.

House Joint Resolution No. 0821 -- Memorials, Interns -- Honors Ethan Earl Hamby, 1990 legislative intern.

House Joint Resolution No. 0822 -- Memorials, Personal Achievement -- Congratulates Brian Younce on election as University of Tennessee Student Association President.

House Joint Resolution No. 0823 -- Memorials, Public Service -- Commends Edna Jo Alexander on community service.

House Joint Resolution No. 0824 -- Memorials, Personal Achievement -- Commends Rachel Woods, member of Hume-Fogg debating squad.

House Joint Resolution No. 0825 -- Memorials, Personal Achievement -- Commends Kristina Gill, member of Hume-Fogg debating squad.

House Joint Resolution No. 0826 -- Memorials, Congratulations -- Honors Alameda Christian Church on 50th anniversary.

House Joint Resolution No. 0827 -- Memorials, Public Service -- Commends Elks for work for blind and visually impaired.

House Joint Resolution No. 0828 -- Memorials; Recognition -- Honors work of Black Health Care Task Force.

House Bill No. 2664 -- Lake County -- Enacts hotel/motel tax.

House Bill No. 2668 -- Anderson County -- Enacts hotel/motel tax.

House Bill No. 2671 -- Smith County -- Designates certain section of Caney Fork River as family oriented fishing site.

Senate Joint Resolution No. 0555 -- Memorials, Personal Occasion -- Congratulates Mr. and Mrs. Milton H. Hamilton, III on the birth of Milton H. Hamilton, IV.

Senate Joint Resolution No. 0558 -- Memorials, Professional Achievement -- Congratulates Debbie Lawson, Lincoln County's Distinguished Classroom Teacher of 1989-1990.

Senate Joint Resolution No. 0559 -- Memorials, Professional Achievement -- Congratulates Linda C. Hyde on coaching the winning Fairview High School National Engineering team.

Senate Joint Resolution No. 0561 -- Memorials, Personal Achievement -- Congratulates Richard A. McCall on obtaining rank of Eagle Scout.

Senate Joint Resolution No. 0565 -- Memorials, Public Service -- Honors R. M. McKay, Sr. on service to state.

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Senate Joint Resolution No. 0566 -- Memorials, Public Service -- Honors Buford Dreaden on outstanding service to Tennessee.

Senate Joint Resolution No. 0568 -- Memorials, Interns -- Commends Sonya Goad, 1990 legislative intern.

Senate Joint Resolution No. 0582 -- Memorials, Sports -- Congratulates Jennifer Azzi, 1990 Naismith Award winner.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Joint Resolution No. 813 was objected to by Rep. Chiles.

House Bill No. 2671 was objected to by Rep. Chiles.

Under the rules, House Joint Resolution No. 813 and House Bill No. 2671 was/were placed at the foot of the calendar for Thursday, April 5, 1990.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton -- 96.

A motion to reconsider was tabled.

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MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 1854 -- Telecommunications -- Enacts
"Unsolicited Telefacsimile Advertising Act".

MOTION TO RECONSIDER

Rep. Bragg moved to lift from the table the motion to reconsider
Senate Bill No. 1854, which motion prevailed.

Rep. Bragg moved to reconsider action in passing Senate Bill No.
1854, which motion prevailed.

On motion, the House reconsidered its action in adopting
Amendment No. 1. Rep. Bragg moved to divide the question on
Amendment No. 1, which motion prevailed. Rep. Bragg moved to
withdraw Division I, which motion prevailed. Rep. Bragg moved to
adopt Division II, which motion prevailed.

Rep. Bragg moved to repass Senate Bill No. 1854, as amended, on
third and final consideration, which motion prevailed by the
following vote:

Ayes.	94
Noes.	1

Representatives voting aye were: Anderson, Armstrong, Austin,
Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd,
Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain,
Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis
(Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels,
Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron,
Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R.
(Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love,
McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh,
Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt,
Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson
(Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps,
Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L.
(Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams,
Winningham, Wix, Wood, Yelton, Mr. Speaker Murray -- 94.

Representatives voting no were: Cain -- 1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, the sponsor(s) gave notice of intent to

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consider the following measure(s) from the Senate on Monday, April 9, 1990:

Senate Bill No. 2423: Rep. Bivens.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Thursday, April 5, 1990:

House Bill No. 1291: Rep. Kisber.

House Bill No. 2041: Rep. U. Jones.

House Bill No. 2510: Rep. Naifeh.

House Bill No. 2528: Rep. Robinson (Davidson).

Senate Bill No. 957: Rep. Dixon.

Senate Bill No. 1011: Rep. King.

RULES SUSPENDED

Rep. Kisber moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 842 out of order, which motion prevailed.

House Joint Resolution No. 0842 -- Memorials, Recognition -- Honors Robert McGaughey for his service as director of Tennessee Youth Legislature. by *Kisber.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Kisber, the resolution was adopted.

A motion to reconsider was tabled.

RESOLUTION REFERRED

Rep. Love moved that **Senate Joint Resolution No. 452** be recalled from the State and Local Government Committee and referred to the Finance, Ways and Means Committee, which motion prevailed.

BILL RETURN REQUESTED

Pursuant to **Rule No. 54**, Rep. Nuber moved that the Clerk request the return of Senate Bill No. 1870 from the Senate, which motion prevailed.

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RULES SUSPENDED

Rep. C. Turner (Shelby) moved that the rules be suspended for the purpose of introducing House Resolution No. 145 out of order, which motion prevailed.

House Resolution No. 0145 -- Memorials, Interns -- Honors Julie B. Jagers, 1990 legislative intern. by *Turner C, *Shirley.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. C. Turner (Shelby), the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Davidson moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 840 out of order, which motion prevailed.

House Joint Resolution No. 0840 -- Memorials, Public Service -- Thanks Pat and David Coffey for generous gift to establish Coffey Education Fund. by *Davidson, *Wheeler, *Rhinehart, *Duer.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Davidson, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocks), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

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RULES SUSPENDED

Rep. U. Jones moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that House Joint Resolution(s) No(s). 737 and 738 can be heard by the General Welfare Committee on Wednesday, April 11, 1990, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

Rep. Hobbs moved to suspend Rule No. 59 for the immediate consideration of House Bill No. 1850, which motion prevailed.

House Bill No. 1850 -- Real Estate Agents and Brokers -- Enacts the "Real Estate Appraisers Licensing and Certification Act". Amends TCA, Titles 4, 62.

Senate Amendment No. 13

Amend House Bill No. 1850 by adding subsection (c) of Section 23 as amended the following:

Nothing in this subsection shall limit the ability of any government entity bank or other financial institution to employ a qualified appraiser of his choice.

Rep. Hobbs moved that the House nonconcur in Senate Amendment(s) No(s). 13, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

Senate Amendment No. 10

Amend House Bill No. 1850 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Any person who has actively engaged in appraising property for two (2) years prior to the effective date of this act may, within one hundred eighty (180) days of the organizational meeting of the commission, apply to the commission for licensure or certification, as appropriate. The commission shall, upon determining that an applicant meets all of the qualifications and criteria prescribed by this act, waive the examination requirements prescribed by Section 12(4) of this act. Provided, however, if the Appraisal Subcommittee of the Federal Financial Institutions Examination Council determines this section will cause this act to not meet the standards of the Appraisal Subcommittee and will subject the act to be disapproved by the Appraisal Subcommittee, then the provisions of this section shall be void.

Senate Amendment No. 12

AMEND House Bill No. 1850 by deleting in its entirety the amendatory section of House Amendment No. 1, as amended, which amended Section 19, subsection (a) and is as follows:

AND FURTHER AMEND by deleting the word and figure "two (2) in subsection (a) of Section 19, as amended, and by substituting instead the word and figure "three (3)".

Rep. Hobbs moved that the House concur in Senate Amendment(s) No(s). 10 and 12, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callcott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cooke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

WEDNESDAY, APRIL 4, 1990 -- EIGHTY-SIXTH LEGISLATIVE DAY

House Joint Resolution No. 812: Rep(s). Kisber and Chiles added as prime sponsor(s).

House Bill No. 925: Rep(s). Williams added as prime sponsor(s).

House Bill No. 1777: Rep(s). Givens added as prime sponsor(s).

House Bill No. 2282: Rep(s). Ridgeway and Burnett added as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep. Wix was removed as sponsor of **House Bill No. 2409**.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 0139 -- Memorials, Interns -- Commends Katrina Akers, 1990 legislative intern. by *Rhinehart, *Bivens, *West.

The Speaker referred **House Resolution No. 139** to the Calendar and Rules Committee.

House Resolution No. 0140 -- Memorials, Congratulations -- Commends Smyrna Middle School Band on outstanding competition performance. by *Hobbs.

The Speaker referred **House Resolution No. 140** to the Calendar and Rules Committee.

House Resolution No. 0142 -- Memorials, Personal Achievement -- Congratulates Sheryl Windrow, Valedictorian of Eagleville High School. by *Hobbs.

The Speaker referred **House Resolution No. 142** to the Calendar and Rules Committee.

House Resolution No. 0143 -- Memorials, Personal Achievement -- Congratulates Gretchen Parker, Salutatorian of Holloway High School. by *Hobbs.

The Speaker referred **House Resolution No. 143** to the Calendar and Rules Committee.

House Resolution No. 0144 -- Memorials, Personal Achievement -- Congratulates Gail Warnack, Valedictorian of Holloway High School. by *Hobbs.

The Speaker referred **House Resolution No. 144** to the Calendar and Rules Committee.

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House Resolution No. 0146 -- Memorials, Personal Achievement --
Congratulates Mark Adrian Bacurin, Valedictorian of Oakland High School. by *Hobbs.

The Speaker referred House Resolution No. 146 to the Calendar and Rules Committee.

House Resolution No. 0147 -- Memorials, Personal Achievement --
Congratulates Gordon Hull, Salutatorian of Riverdale High School. by *Hobbs.

The Speaker referred House Resolution No. 147 to the Calendar and Rules Committee.

House Resolution No. 0148 -- Memorials, Personal Achievement --
Congratulates Steven Odom, Valedictorian of Riverdale High School. by *Hobbs.

The Speaker referred House Resolution No. 148 to the Calendar and Rules Committee.

House Resolution No. 0149 -- Memorials, Personal Achievement --
Congratulates Theresa Michelle Aldridge, Salutatorian Laverne High School. by *Hobbs.

The Speaker referred House Resolution No. 149 to the Calendar and Rules Committee.

House Resolution No. 0150 -- Memorials, Personal Achievement --
Congratulates Heather Scott, Valedictorian of Laverne High School. by *Hobbs.

The Speaker referred House Resolution No. 150 to the Calendar and Rules Committee.

House Resolution No. 0151 -- Memorials, Personal Achievement --
Congratulates Kara Sue Vanderweg, Valedictorian of Oakland High School. by *Hobbs.

The Speaker referred House Resolution No. 151 to the Calendar and Rules Committee.

House Resolution No. 0152 -- Memorials, Personal Achievement --
Congratulates Christopher Clark Sissom, Valedictorian of Oakland High School. by *Hobbs.

The Speaker referred House Resolution No. 152 to the Calendar and Rules Committee.

House Resolution No. 0153 -- Memorials, Personal Achievement --
Congratulates Stephen Jerome Moore, Valedictorian of Oakland High School. by *Hobbs.

The Speaker referred House Resolution No. 153 to the Calendar and Rules Committee.

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House Resolution No. 0154 -- Memorials, Personal Achievement --
Congratulates James Taylor Lea, Valedictorian of Oakland High
School. by *Hobbs.

The Speaker referred House Resolution No. 154 to the Calendar
and Rules Committee.

House Resolution No. 0155 -- Memorials, Personal Achievement --
Congratulates Gary Davis, III, Valedictorian of Oakland High
School. by *Hobbs.

The Speaker referred House Resolution No. 155 to the Calendar
and Rules Committee.

House Resolution No. 0156 -- Memorials, Personal Achievement --
Congratulates Shannon Longwell, Salutatorian of Eagleville High
School. by *Hobbs.

The Speaker referred House Resolution No. 156 to the Calendar
and Rules Committee.

House Resolution No. 0157 -- Memorials, Personal Achievement --
Congratulates Simmi Dogra, Valedictorian of Page High School. by
*Hobbs.

The Speaker referred House Resolution No. 157 to the Calendar
and Rules Committee.

House Resolution No. 0158 -- Memorials, Personal Achievement --
Congratulates Susannah Eliz Guttowsky, Salutatorian of Page High
School. by *Hobbs.

The Speaker referred House Resolution No. 158 to the Calendar
and Rules Committee.

House Resolution No. 0159 -- Memorials, Personal Achievement --
Congratulates Lori Ann Robbins, Valedictorian of Smyrna High
School. by *Hobbs.

The Speaker referred House Resolution No. 159 to the Calendar
and Rules Committee.

House Resolution No. 0160 -- Memorials, Personal Achievement --
Congratulates Andrew Joseph Harey, Jr, Salutatorian of Smyrna High
School. by *Hobbs.

The Speaker referred House Resolution No. 160 to the Calendar
and Rules Committee.

House Resolution No. 0161 -- Memorials, Interns -- Honors
Revonda Foster, 1990 legislative intern. by *Chiles.

The Speaker referred House Resolution No. 161 to the Calendar
and Rules Committee.

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House Resolution No. 0162 -- Memorials, Condolence -- Honors memory of William Kent Ford, Sr. by *Holt, *Haun.

The Speaker referred House Resolution No. 162 to the Calendar and Rules Committee.

House Resolution No. 0163 -- Memorials, Interns -- Recognizes Beth Montieth, 1990 legislative intern. by *Bittle, *Davis J K.

The Speaker referred House Resolution No. 163 to the Calendar and Rules Committee.

House Resolution No. 0164 -- Memorials, Congratulations -- Honors Penny Freshour, Cocke County High School valedictorian. by *Davis R E.

The Speaker referred House Resolution No. 164 to the Calendar and Rules Committee.

House Resolution No. 0165 -- Memorials, Congratulations -- Honors Tracy Leann Davis, Cocke County High School Salutatorian. by *Davis R E.

The Speaker referred House Resolution No. 165 to the Calendar and Rules Committee.

House Joint Resolution No. 0829 -- Memorials, Sports -- Honors Harpeth High School Junior Varsity Cheerleaders. by *Head, *Davidson.

The Speaker referred House Resolution No. 829 to the Calendar and Rules Committee.

House Joint Resolution No. 0830 -- Memorials, Sports -- Honors Coach Allen Collins and Harpeth High School girls' basketball team. by *Head, *Davidson.

The Speaker referred House Joint Resolution No. 830 to the Calendar and Rules Committee.

House Joint Resolution No. 0831 -- Memorials, Sports -- Honor Cheatham County Central High School competition cheerleader squad. by *Head, *Davidson.

The Speaker referred House Joint Resolution No. 831 to the Calendar and Rules Committee.

House Joint Resolution No. 0832 -- Memorials, Personal Achievement -- Congratulates Crystal Dawn Brooks, 1990 Valedictorian of Sharon High School. by *Herron.

The Speaker referred House Joint Resolution No. 832 to the Calendar and Rules Committee.

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House Joint Resolution No. 0833 -- Memorials, Personal Achievement -- Congratulates Tammy Freeze Reynolds, Salutatorian of Sharon High School. by *Herron.

The Speaker referred House Joint Resolution No. 833 to the Calendar and Rules Committee.

House Joint Resolution No. 0834 -- Memorials, Interns -- Commends Chris A. Cooper, 1990 legislative intern. by *Robinson Robb, *Yelton, *Napier.

The Speaker referred House Joint Resolution No. 834 to the Calendar and Rules Committee.

House Joint Resolution No. 0835 -- Memorials, Interns -- Honors Sidney E. Hardyway, 1990 legislative intern. by *Byrd.

The Speaker referred House Joint Resolution No. 835 to the Calendar and Rules Committee.

House Joint Resolution No. 0836 -- Memorials, Public Service -- Honors noted educator Joseph S. York. by *Byrd.

The Speaker referred House Joint Resolution No. 836 to the Calendar and Rules Committee.

House Joint Resolution No. 0837 -- Memorials, Interns -- Honors Jay Harvill, 1990 legislative intern. by *Byrd.

The Speaker referred House Joint Resolution No. 837 to the Calendar and Rules Committee.

House Joint Resolution No. 0838 -- Naming and Designating -- Declares June 18, 1990, as "Family Day". by *Herron.

The Speaker referred House Joint Resolution No. 838 to the Calendar and Rules Committee.

House Joint Resolution No. 0839 -- Memorials, Personal Occasion -- Honors Maxine and David Walker on fiftieth wedding anniversary. by *Scruggs.

The Speaker referred House Joint Resolution No. 839 to the Calendar and Rules Committee.

House Joint Resolution No. 0841 -- Memorials, Sports -- Congratulates Coach Ed McCollum and Greenback High School girls' basketball team. by *Gunnels.

The Speaker referred House Joint Resolution No. 841 to the Calendar and Rules Committee.

House Joint Resolution No. 0843 -- Memorials, Retirement -- Honors Joe Hardeman Exum on his retirement from Jackson Utility Division. by *Kisber.

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The Speaker referred House Joint Resolution No. 843 to the Calendar and Rules Committee.

House Joint Resolution No. 0844 -- Memorials, Sports -- Honors Coach Gary Carter and Macon County High School girls' basketball team. by *Wix, *Winningham.

The Speaker referred House Joint Resolution No. 844 to the Calendar and Rules Committee.

House Joint Resolution No. 0845 -- Memorials, Recognition -- Recognizes Surgoinsville on 175th anniversary of founding. by *Givens.

The Speaker referred House Joint Resolution No. 845 to the Calendar and Rules Committee.

House Joint Resolution No. 0846 -- Memorials, Congratulations -- Honors Broadway Barber Shop on thirtieth year of operation in Maryville. by *Anderson, *Huskey.

The Speaker referred House Joint Resolution No. 846 to the Calendar and Rules Committee.

House Joint Resolution No. 0847 -- Memorials, Sports -- Honors Coach Bill Worrell and Tennessee Tech Golden Eaglettes. by *Henry Dwight.

The Speaker referred House Joint Resolution No. 847 to the Calendar and Rules Committee.

House Joint Resolution No. 0848 -- Memorials, Sports -- Congratulates Celina High School boys' basketball team. by *Winningham.

The Speaker referred House Joint Resolution No. 848 to the Calendar and Rules Committee.

House Joint Resolution No. 0849 -- Memorials, Sports -- Honors Coach Charles Mitchell and Pickett County High School boys' basketball team, TSSAA Class A state champions. by *Winningham.

The Speaker referred House Joint Resolution No. 849 to the Calendar and Rules Committee.

House Joint Resolution No. 0850 -- Memorials, Interns -- Commends Tammye Jonita Butler, 1990 legislative intern. by *Jones U, *Jones R, *Armstrong.

The Speaker referred House Joint Resolution No. 850 to the Calendar and Rules Committee.

House Joint Resolution No. 0851 -- Memorials, Sports -- Honors Murray State basketball player, Popeye Jones. by *Herron.

The Speaker referred House Joint Resolution No. 851 to the Calendar and Rules Committee.

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House Joint Resolution No. 0852 -- Memorials, Heroism -- Honors Officer Chip Montgomery for capture of car thief. by *Curlee.

The Speaker referred House Joint Resolution No. 852 to the Calendar and Rules Committee.

House Joint Resolution No. 0853 -- Memorials, Retirement -- Honors Representative Ralph Yelton on retirement. by *Robinson Robb.

The Speaker referred House Joint Resolution No. 853 to the Calendar and Rules Committee.

House Joint Resolution No. 0854 -- Memorials, Public Service -- Honors Robert H. McGaughey, Jr. on contributions to youth. by *Callicott.

The Speaker referred House Joint Resolution No. 854 to the Calendar and Rules Committee.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Senate Joint Resolution No. 0569 -- Memorials, Interns -- Commends Melissa Anne Olmstead, 1990 legislative intern.

The Speaker referred Senate Joint Resolution No. 569 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0570 -- Memorials, Public Service -- Commemorates 200th anniversary of Southwest Territory.

The Speaker referred Senate Joint Resolution No. 570 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0573 -- Memorials, Interns -- Commends Shawn Gregory Demers, 1990 page.

The Speaker referred Senate Joint Resolution No. 573 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0574 -- Memorials, Recognition -- Honors Lon Varnell.

The Speaker referred Senate Joint Resolution No. 574 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0578 -- Memorials, Congratulations -- Honors 1989 State Championship 4-H Forestry Team from Carter County.

The Speaker referred Senate Joint Resolution No. 578 to the Calendar and Rules Committee.

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Senate Joint Resolution No. 0579 -- Memorials, Recognition -- Recognizes Morristown High School Class of 1940 on 50th reunion.

The Speaker referred Senate Joint Resolution No. 579 to the Calendar and Rules Committee.

RESOLUTIONS LYING OVER

***Senate Joint Resolution No. 0492 -- General Assembly, Studies -- Continues special joint committee created by Senate Joint Resolution 40 studying delivery system for alcohol and drug abuse prevention and treatment services.**

The Speaker referred Senate Joint Resolution No. 492 to the Calendar and Rules Committee.

***Senate Joint Resolution No. 0525 -- Memorials, Government Officials -- Encourages purchase and study of recycled plastics.**

The Speaker referred Senate Joint Resolution No. 525 to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration.

House Bill No. 2676 -- Dyersburg -- Revises charter relative to purchases using or encumbering municipal funds. Amends Chapter 410, Acts of 1903, as amended. by *Holt.

Passed first consideration.

House Bill No. 2677 -- Athens -- Revises charter. Amends Chapter 455, Private Acts of 1953, as amended. by *Webb.

Passed first consideration.

House Bill No. 2678 -- Madison County -- Establishes office of juvenile court clerk. by *Kisber, *Sipes.

Passed first consideration.

House Bill No. 2679 -- Lawrence County -- Prohibits location of solid waste disposal facilities from other counties or cities unless the county legislative body approves such facilities. by *Moore C.

Passed first consideration.

House Bill No. 2680 -- Lewis County -- Prohibits location of solid waste disposal facilities from other counties or cities unless

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the county legislative body approves such facilities. by *Moore C.
Passed first consideration.

House Bill No. 2681 -- Henderson County -- Gives general sessions judges cost of living raise. Amends Chapter 393, Private Acts of 1941, as amended. by *McDaniel, *Sipes.

Passed first consideration.

House Bill No. 2682 -- Robertson County -- Levies hotel motel tax. by *Davidson.

Passed first consideration.

House Bill No. 2684 -- Sullivan County -- Revises compensation and authority of county attorney. Amends Chapter 609, Private Acts of 1935, as amended. by *Hubbard, *Holcomb, *Yelton.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

On motion, the Senate Bills listed below, transmitted to the House were held on the Clerk's desk as noted.

Senate Bill No. 2343 -- Teachers -- Allows year of probationary service to be included in consideration for tenure. Amends TCA 49-5-5606.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 2142.

***Senate Bill No. 2434 -- District Attorneys -- Creates additional district attorney general position for 16th judicial district. Amends TCA 16-2-506.**

Held on the Clerk's desk pending third consideration of companion House Bill No. 2495.

***Senate Bill No. 2458 -- Dieticians and Nutritionists -- Requires nursing homes to employ certain trained dietetic personnel. Amends TCA, Title 68, Ch. 11.**

Held on the Clerk's desk pending third consideration of companion House Bill No. 2449.

Senate Bill No. 2491 -- Metropolitan Government -- Changes officers to be appointed by metropolitan airport authorities. Amends TCA, Title 42, Ch. 4.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 2401.

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Senate Bill No. 2569 -- Mental illness -- Creates position of liaison coordinator for supportive living facilities. Amends TCA, Title 33.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 2549.

Senate Bill No. 2624 -- Hamilton County -- Allows certain employees to transfer to TCRS. Amends Chapter 557, Private Acts of 1939, as amended.

Held on the Clerk's desk pending third consideration of companion House Bill No. 2637.

Senate Bill No. 2626 -- Day Care -- Permits Davidson County day care pilot program to serve less than 100 children. Amends Chapter 877, Public Acts of 1986.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 2593.

Senate Bill No. 2632 -- Utilities, Utility Districts -- Redefines "customers" for purposes of electing water utility district commissioners in Scott County. Amends TCA, Title 7, Ch. 8, Pt. 3.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 2603.

***Senate Bill No. 2653 -- Highway Signs -- Designates certain highways in Gibson County as Blue Star Memorial Highway. Amends TCA, Title 54, Ch. 5, Pt. 10.**

Held on the Clerk's desk pending third consideration of companion House Bill No. 2622.

Senate Bill No. 2667 -- Utilities, Utility Districts -- Provides for popular election of board of commissioners of certain utility districts in Gibson County. Amends TCA, Title 7.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 2639.

Senate Bill No. 2678 -- Election Laws -- Requires only computer printout at polling place in lieu of both printout and duplicate registration records if requested by county legislative body by resolution of Tipton, Dyer, Fayette or Crockett counties. Amends TCA 2-5-216.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 2653.

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HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted.

House Bill No. 2672 -- Gallatin -- Passed second consideration and the held on Clerk's desk pending approval by local delegation.

House Bill No. 2673 -- Gallatin -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2674 -- Election Laws -- Passed second consideration and referred to the Finance, Ways and Means Committee.

House Bill No. 2675 -- Bradley County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2683 -- Gibson County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

DELAYED BILLS REFERRED

Pursuant to Rule No. 78, House Bill(s) No(s). 2674, was/were referred to the Delayed Bills Committee.

REPORTS FROM STANDING COMMITTEES

CONSERVATION AND ENVIRONMENT COMMITTEE

April 4, 1990

MR. SPEAKER: Your Conservation and Environment Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 2063 (with amendment).

HILLIS, Chairman.

Under the rules, House Bill(s) No(s). 2063 (with amendment) was/were transmitted to the Calendar and Rules Committee.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

April 4, 1990

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2187, 2591, 2614, 2655, 2666, 2667, 2672, 2673, 2675 and 2683.

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REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
April 4, 1990

MR. SPEAKER: The officers of your Calendar and Rules Committee beg leave to report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Thursday, April 5, 1990: House Resolution(s) No(s). 139, 140, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164 and 165; House Joint Resolution(s) No(s). 829, 830, 831, 832, 833, 834, 835, 836, 837, 839, 841, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853 and 854; House Bill(s) No(s). 2187, 2591, 2614, 2655, 2666, 2667, 2672, 2673, 2675 and 2683; also, Senate Joint Resolution(s) No(s). 569, 570, 573, 574, 578 and 579.

PHILLIPS, Chairman.

ENROLLED BILLS
April 4, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills(s) No(s). 1131; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED
April 4, 1990

The Speaker announced that he had signed the following: House Bill(s) No(s). 1131, 2084 and 2515; also, House Joint Resolution(s) No(s). 769, 772, 773, 774, 775, 776, 777 and 796.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS
April 4, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2226; also, House Joint Resolution(s) No(s). 654, 685 and 690; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 4, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1703, 1720, 2308, 2587, 2664 and 2668; also, House Joint Resolution(s) No(s). 804, 812, 814, 815, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 840 and 842; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

On motion of Rep. Naifeh, the House adjourned until 9:00 a.m., Thursday, April 5, 1990.